

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 09-307V

Filed: November 8, 2012

Not for Publication

WALDON JEWETT,

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Petitioner,

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v.

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SECRETARY OF HEALTH

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AND HUMAN SERVICES,

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Respondent.

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Edward M. Kraus, Chicago, IL, for petitioner.

Alexis B. Babcock, Washington, DC, for respondent.

MILLMAN, Special Master

DECISION AWARDING ATTORNEYS' FEES AND COSTS¹

On November 5, 2012, petitioner filed an unopposed application for attorneys' fees and costs in which the parties agreed on an appropriate amount for attorneys' fees and costs in this case. Respondent's counsel confirmed that petitioner's application was unopposed and that she agreed with the amounts contained therein.

In accordance with the General Order #9 requirement, petitioner states that he incurred \$343.38 to pursue his petition.

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post this unpublished decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). Vaccine Rule 18(b) states that all decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would constitute a clearly unwarranted invasion of privacy. When such a decision is filed, petitioner has 14 days to identify and move to redact such information prior to the document's disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall redact such material from public access.

Petitioner requests reimbursement for \$43,920.50 in attorneys' fees, \$33,477.33 in attorneys' costs, and \$343.38 in petitioner's costs. The court finds the terms of petitioner's unopposed application for attorneys' fees and costs to be reasonable and awards compensation in the amount set forth therein. Pursuant to petitioner's unopposed application for attorneys' fees and costs, the court awards:

- a. **\$77,397.83**, representing reimbursement for Attorneys' Fees and Costs. The award shall be in the form of a check made jointly payable to petitioner and Edward M. Kraus; and
- b. **\$343.38**, representing reimbursement for petitioner's costs. The award shall be in the form of a check made payable to petitioner.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.²

IT IS SO ORDERED.

Dated: November 8, 2012

/s/ Laura D. Millman
Laura D. Millman
Special Master

² Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party's filing a notice renouncing the right to seek review.